

RESOLUTION NO. ~~10-84~~

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA FORMALLY INITIATING THE PROCEDURE OUTLINED IN SECTION 164.1052, FLORIDA STATUTES, TO COMMENCE THE "CONFLICT RESOLUTION PROCEDURE" OUTLINED IN THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT PRIOR TO INITIATING LITIGATION AGAINST MIAMI-DADE COUNTY, FLORIDA IN REFERENCE TO THE EXISTING CITIES' 20% SHARE OF THE TRANSIT SYSTEM SURTAX; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; AUTHORIZATION AND EXPRESSION OF INTENT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2002, voter approved a People's Transportation Plan which called for a half-penny sales tax increase for public transit and funding for municipal road and transportation projects; and

WHEREAS, in anticipation of the referendum, Miami-Dade County Commissioners adopted Ordinance No. 02-116 amending the County Code which provided for 20% of the revenue generated from the sales tax increase to paid to municipalities existing at the time of the referendum, November 5, 2002, ("Existing Cities") and that new cities would be paid out of the County's 80% share since the new cities would be carved out of the unincorporated areas serviced by the County at that time; and

WHEREAS, the County Manager is proposing a "hold harmless plan" that will reduce the Existing Cities' share by providing County funding for new cities from growth in surtax revenue and that after funding reaches \$5.3 million, then the new cities will be funded out of the 20% Existing Cities' share, a radical departure from the 2002 voter-approved plan; and

WHEREAS, the City of Hialeah strongly opposes any change in the distribution formula from the proceeds of the half-penny transit sales tax, which forms the basis of this dispute between the City and the County; and

WHEREAS, the City has retained the legal services of outside counsel, Lewis Tein, P.L., to assist the City with pre-litigation and litigation services, if necessary, against the County; and

WHEREAS, the Florida Governmental Conflict Resolution Act (“Act”), Chapter 164, Florida Statutes, and in particular, Section 164.1052, Florida Statutes requires the City Council to adopt a resolution stating its intention to initiate the conflict resolution procedures provided by the Act against the county prior to initiating court proceedings; and

WHEREAS, Section 164.1052, Florida Statutes further provides for certain notice provisions to the County in order to provide the County with the opportunity to resolve the matter with the City prior to initiating litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1. **Adoption of Representations:** The foregoing paragraphs contained in the preamble to this resolution are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Resolution.

Section 2. **Authorization:** The City Council of the City of Hialeah, Florida hereby approves a resolution stating its intention to initiate the “Conflict Resolution Procedure” as outlined in Section 164.1052, Florida Statutes, with respect to the Transit System Surtax.

Section 3. **Effective Date:** This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the

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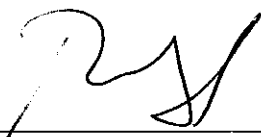
Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 24th day of August, 2010.



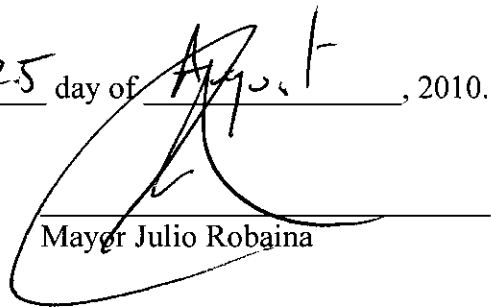
Carlos Hernández
Council President

Attest:



Rafael E. Granado, City Clerk

Approved on this 25 day of August, 2010.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers Caragol, Cue, Casals-Munoz, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".